

Members

Sen. Patricia Miller, Chairperson
Sen. Vaneta Becker
Sen. Connie Sipes
Sen. Timothy Skinner
Rep. David Frizzell
Rep. Mae Dickinson
Rep. David Orentlicher



FSSA EVALUATION COMMITTEE

LSA Staff:

Karen Firestone, Fiscal Analyst for th Committee
Sarah Brooks, Fiscal Analyst for the Committee
Ann Naughton, Attorney for the Committee

Authority: P.L. 197-2003

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

MEETING MINUTES¹

Meeting Date: October 12, 2005
Meeting Time: 1 P.M.
Meeting Place: State House, 200 W. Washington St.,
Senate Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Patricia Miller, Chairperson; Sen. Vaneta Becker; Sen. Connie Sipes; Sen. Timothy Skinner; Rep. Mae Dickinson; Rep. David Orentlicher.

Members Absent: Rep. David Frizzell.

Sen. Pat Miller, Chairperson, called the meeting to order at 1:10 pm. She introduced the members of the Committee.

FSSA-Related Commissions, Committees, Councils, and Boards

Sen. Miller called on Ms. Karen Firestone, Fiscal Analyst, Legislative Services Agency, to describe a list and a matrix of commissions, committees, councils, and boards (committees) related to FSSA (Exhibit A and B). Ms. Firestone explained that the list was compiled by searching the Indiana Code, the Noncode Acts, and the 2005 Roster of Interim Study Committees and Statutory Commissions and Committees. She said that the listing includes committees inside FSSA, committees of which the Secretary of Family and Social Services or a division director is an ex-officio member, and committees of independent agencies that interact with FSSA. There are 57 entities on the list.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The matrix groups committees by subject matter and by function. The matrix does not provide a great deal of detail, but could be a starting point to determine if the 57 committees have overlapping functions.

Sen. Miller called on Mr. John Okeson, Legislative Director, Office of General Counsel, FSSA, to discuss proposed reductions to the number of committees. Mr. Okeson began his comments by indicating that he was representing the Secretary of Family and Social Services, Mitch Roob, who was attending a function in Madison. Mr. Okeson opined that the Family and Social Services Committee (IC 12-8-2-3) was not part of the normal rule-making process for other executive agencies. He said that the committee was not a good way to oversee the agency and that the Family and Social Services Committee had been created because FSSA had not been listening. Mr. Okeson said that while FSSA may not always agree with what they hear, the agency is now listening. He said that the packet provided by FSSA had information concerning repeal of the Family and Social Services Committee and the Community Residential Facilities Council (Exhibit C). Mr. Okeson asked the Chair if Mr. Peter Bisbecos, Director, Division of Disability and Rehabilitative Services, FSSA, could address the Committee concerning the Community Residential Facilities Council. The Chair agreed.

Mr. Bisbecos explained that the Community Residential Facilities Council provided oversight for certain FSSA licensing processes. He opined that the rules for licensure are laid out in rules established by a public process and that there was not room for discretion. He said that the statute was not clear about disagreements between FSSA and the Community Residential Facilities Council and that, for the most part, there had been agreement between the two.

Sen. Miller asked if anyone would like to comment on the structure of committees. No one commented.

Sen. Miller asked if advocacy groups would review the list and comment on whether the committees were effective or not and ways that the list might be pared down. She asked the members of the FSSA Evaluation Committee to provide specific contacts to LSA so the list could be circulated before the next meeting. Sen. Connie Sipes suggested that FSSA look over the list, since it had just been made available, and make additional recommendations. Sen. Vaneta Becker recommended that staff send out copies of the list and matrix to advocacy groups that may not be in attendance.

FSSA Evaluation Committee Discussion of Evaluation Assignments to LSA

The Chair called on Ms. Firestone to discuss possible assignments for further evaluation of FSSA. Ms. Firestone indicated that LSA evaluation staff is available to support the Committee through the next interim. One topic identified in LCR 05-03 was completion of a survey of FSSA providers and consumers described in SCR 7-2005. If the Committee chose to assign this survey to LSA, Ms. Firestone asked that the Committee identify specific populations within those served by FSSA that the Committee would like surveyed, and that the Committee identify the problems that the Committee would like explored. Further, Ms. Firestone discussed the evaluation of the impact of FSSA's administrative and organizational changes on the provision of services and outcomes as proposed or implemented since January 1, 2005, suggesting that LSA could be available as needed to assist FSSA to draft a list of outcomes.

In support of a survey of clients, Sen. Miller discussed including confidentiality provisions in the Committee recommendations or possible legislative changes to allow LSA to receive confidential information from FSSA. Also, Sen. Miller requested that proposed committee recommendation language be distributed to Committee members (Exhibit D).

Sen. Becker indicated that the survey had resulted from concern that consumers were not happy with services received and that it was important to survey clients from all constituent groups, including Medicaid, disability, mental health, Children's Health Insurance Program (CHIP), aging, and children and families. She said that the Committee had no feedback from consumers. Mr. Okeson said that Secretary Roob had provided the Committee a matrix at the last meeting and had expected to report on progress on the matrix in the next interim to satisfy the evaluation. He asked that if the Committee wanted something different, they should let FSSA know.

Sen. Miller asked committee members to think of what direction they would like to take for the next meeting. Sen. Becker asked that language on confidentiality be brought to the next meeting, and Sen. Miller agreed that legal staff would determine what was needed.

Additional Proposed FSSA Administrative Changes

Mr. Okeson was asked to address other administrative changes at FSSA. He indicated that two actions included creating a separate Division of Aging and moving the First Steps program to the Division of Disability and Rehabilitative Services. He asked Ms. Lora Miller, Director, First Steps, FSSA, to address the move of First Steps.

Ms. Miller indicated that First Steps was currently assigned to the Division of Family Resources (DFR). She said that the separation of certain child issues into the new Department of Child Services had changed the focus of DFR. She opined that First Steps was now more aligned with the Division of Disability and Rehabilitative Services and that the continuum of services for children with developmental disabilities would be better supported by the move. Ms. Miller indicated that the change had been discussed with advocacy groups and family members and they were agreeable to the change.

Sen. Miller asked if anyone would like to comment on the proposed change. Someone rose and said that the advocacy groups had been consulted, several options were discussed, but this one was the most appropriate.

Ms. Jackie Bouyea, Director, Division of Aging, FSSA, spoke about separating aging from disability and rehabilitative services to provide a stronger focus on senior issues. In response to questions, Ms. Bouyea indicated that the separation would leave the division within FSSA and that there would be a clear age reform agenda. Ms. Melissa Durr, Executive Director, Area Agencies on Aging, rose to support the move, saying that legislation with a similar move had been introduced last year.

Sen. Miller indicated that statutory authority was needed for both moves and that there would be bills for the Committee's consideration at the next meeting.

Rep. David Orentlicher asked about the history of aging programs. Mr. Lanier Vines, Division of Disability and Rehabilitative Services, FSSA, was invited to address the question. Mr. Vines, a 25-year employee of FSSA, discussed how aging was part of the Department of Human Services, a smaller umbrella agency, prior to the creation of FSSA. He said that the issues had evolved because of changes to the Older Americans Act and the aging of the population. Sen. Sipes asked Mr. Vines if he saw a need for this change. He said absolutely, because aging issues had not had enough of a focus in previous decades when other human services were the focus of attention. Mr. Okeson added that the state had paid for about 70% of long-term care costs in the state and that it would be important to have a focus and keep the number from increasing.

Sen. Miller said that draft bills at the next meeting might only be concepts without final language because it may be difficult to perfect the language in two weeks.

Public Testimony

Sen. Miller called on Mr. David Warrick and Mr. Chris Fox, both representing AFSCME. Mr. Warrick indicated that he had discussed an impending white paper at the last Committee meeting and he had returned to present the paper (Exhibit E). He introduced Mr. Fox, a researcher from the national office, to present the white paper. Mr. Fox indicated the white paper was a response to FSSA's proposal to spin off or sell state hospitals. He said that AFSCME opposes the state's intention to abdicate its responsibility to care for this vulnerable population. He then detailed reasons for opposition. In response to a question from Sen. Becker, Mr. Fox indicated he had prepared comments in addition to the white paper and could provide additional information by the end of the week.

Mr. Fox indicated that several states were reversing measures to downsize psychiatric hospitals, but, in response to a question from Sen. Becker, he did not know of states that had taken back hospitals from private entities. Sen. Miller indicated that Committee staff could research if this had occurred.

Sen. Becker asked about Mr. Fox's initial comment that the state would sell or give away facilities. Secretary Roob had said that is no longer the case. Mr. Fox said that plans seemed to be in flux and that it had not been easy to get hands around what would happen. Sen. Sipes asked if there was data on private hospitals not paying sufficient wages so that the state picked up medical costs for health care workers. Mr. Fox indicated that they cannot always identify who is applying for Medicaid and that there have been instances where public sector employees qualify for assistance. He said that there may be cases where companies only offer individual coverage and pay so little that employees qualify for programs like CHIPS to cover their children.

Mr. Warrick elaborated on several points that Mr. Fox had made saying there is no written program from FSSA, but that if a plan emerged, AFSCME could react more closely. He emphasized that when a public entity is converted to the private sector, public information is lost and that there is an opportunity to hide abuse and neglect of patients. He said that there had been no discussion between FSSA and AFSCME or union employees. He said that the union was unaware of employees who had been talked to by FSSA.

Ms. Lettie Oliver, AFSCME, rose to make the Committee aware of the state employees in attendance, some of whom had come from Lake County to attend the Committee meeting. Sen. Miller asked the employees to raise their hands to be recognized by the Committee.

Sen. Becker directed a question to Mr. Okeson concerning FSSA conversations with state employees. Mr. Okeson indicated that forums had been held in Evansville and Madison and that state employees had been in attendance. He was not aware of efforts to talk with the unions, but the forums would continue. In response to a question from Rep. Mae Dickenson, Mr. Okeson indicated that he did not know if there had been efforts to notify employees of upcoming forums.

Sen. Timothy Skinner asked about discussions with the union, and Rep. Orentlicher asked if FSSA was not equivocating on listening. Mr. Okeson said that he did not know of private meetings with the unions and that it was Secretary Roob's decision about how to conduct meetings. Mr. Okeson said there was no requirement to develop an RFI, but that FSSA had

done that and that Secretary Roob was floating the ideas. Sen. Skinner then asked if the walk-through in Lake County was considered a forum. Mr. Okeson said that it was not and that the forums had taken place in the afternoon and evening. He also suggested that there may be confusion between the change to the hospital governance and the eligibility piece.

Ms. Cheryl Hagelberry, AFSCME, rose to speak against the shift from public employees to private contractor for eligibility. Sen. Sipes directed comments to Mr. Okeson, asking that the administration talk to the union people so that FSSA can be known as listeners.

Ms. Donna Ron, AFSCME, said that employees are hearing that 100 of 2,400 will be retained and that there will be call centers. She said that the workload is high and she does not know how the call centers would keep up. She opined that the administration could plan the work better to be more effective.

Ms. Donna Brown, AFSCME, presented petitions from her son's church and work and read from the petition.

Ms. Elizabeth Walker, AFSCME/FSSA, indicated that employees do not know what is happening. She said that there is fear across the board and that this shows a lack of respect. She said that employees want to sit down and talk about the issues. She said that employees do not know about the time line and that employees needed a seat at the table if privatization is going to take place. In response to a question from Sen. Sipes, Ms. Walker explained that in the past there had been meetings with local management, and, if issues could not be resolved at this level, it was turned over to a statewide labor management meeting.

Ms. Arlene Nunez, DCS, said that employees read about cuts in the paper and then received emails saying that jobs are safe. She read from comments written by Secretary Roob in *Plain Talk* about protecting employees. She said that there had been no talk with the Committee about equal pay and benefits.

Sen. Miller asked Mr. Okeson to take these comments back to Secretary Roob. Sen. Becker asked Mr. Okeson if FSSA prohibited employees from speaking to legislators. He said that FSSA could not because it is a constitutional right, but they did prohibit employees from speaking on behalf of FSSA to legislators. Rep. Dickenson said that she had seen the email about this subject.

Selection of Next Meeting Date

Sen. Miller asked who could meet on October 25, 2005, at 1 pm. Rep. Orentlicher teaches at that time and will not be able to attend.

The meeting adjourned at 3:15 pm.